

1/29/07

VPA LEGISLATIVE REPORT #4

In its fourth week, the Legislative committees are in full swing. Joint committee meetings on climate change have ceased - individual committees are narrowing their focus on particular legislative initiatives.

Committee agenda items of note:

Senate Natural Resources & Energy Committee

Friday, February 2, 2007 - 10:00 a.m. - **Growth Center Guidelines**

Kevin Dorn, Secy., Agency of Commerce and Community Development

Jim Saudade, Dep. Secy., ACCD

Joss Besse, Downtown Program, Dept. of Housing & Community Affairs

Senate Institutions Committee

Friday, February 2, 2007 1:00 p.m. - 1:30 p.m.

Land Bank Housing Program -

Kevin Dorn, Secretary, Agency of Commerce and Community Development

Senate Economic Development, Housing & General Affairs Committee

Wednesday, January 31, 2007 9:30 a.m.

Big Box Stores; Community Economic Impact Study

Proposed Draft Legislation

Al Boright, Legislative Counsel

Steve Holmes, Vermont Natural Resources Council

Karen Horn, Vermont League of Cities & Towns

John Klesch, Executive Director, Vermont Retail Association

Brian Shupe, Program Director, Vermont Forum on Sprawl

Andrea Cohen, Public Policy Coordinator, Vermont Businesses For Social Responsibility

Senate Economic Development, Housing & General Affairs Committee

Friday, February 2, 2007 10:00 a.m.

Tax Incremental Financing *Proposed Draft Legislation*

Sandy Miller, Town Manager, Milton

Juli Beth Hinds, Director, Planning & Zoning, So. Burlington

House Natural Resources & Energy Committee

Tuesday, January 30, 2007 11:30AM-12:00PM

H.71: Surcharges for new residential units, H.104: Increasing use of wind power

Rep. Tony Klein, Montpelier

Senate Government Operations

Tuesday, January 30, 2007 11:00 a.m.

S. 40 Prohibiting Municipalities from Regulating Home Prices

Senator Kevin Mullin, Rutland District

Tayt Brooks, Home Builders of Vermont

Karen Horn, VLCT

Wednesday, January 31, 2007

10:00 a.m **Meeting With Governor**

11:30 a.m **Vermont Education Training Collaborative**

Will Sawyer, Vermont Education & Training collaborative

House Government Operations Committee

Wednesday, January 31, 2007 2:00pm

Presentation by the VT Land Use Education and Training Collaborative

Will Sawyer, Chair, Steering Committee

ALERT! ADMINISTRATION BUDGET CUTS OUT FUNDING FOR THE COLLABORATIVE! It appears that there is confusion on behalf of the Agency of Administration between the Municipal and Regional Planning Fund and the Education and Training Collaborative. The Ed & Training Collaborative Steering Committee will be meeting with Gov Ops Committees on Wednesday to try and explain that the RPCs and the Educ & Training Collaborative are separate entities, both doing good work that is not duplicative and both needing money. The Collaborative needs money (for the MEG Program and for the Development Review Manual), but NOT at the detriment to the RPCs. In the big picture, \$100,000 is not a lot of money, compared to most of the budgets the legislature contemplates, but it means a great deal for much needed local training.

New Bills of Interest:

- **H. 161 – Chapter 117 – Limited technical corrections** - Sections 4424, 4442 and 4471:

Sec. 1. 24 V.S.A. § 4424 is amended to read:

§ 4424. SHORELANDS; FLOOD OR HAZARD AREA; SPECIAL OR FREESTANDING BYLAWS

Any municipality may adopt freestanding bylaws under this chapter to address ~~particular areas in conformance with the plan~~ flood hazard areas or shoreland protection, including the following, which may also be part of zoning or unified development bylaws:

- (1) Bylaws to regulate development and use along shorelands.
- (2) Bylaws to regulate development and use in flood or other hazard areas. The following shall apply if flood or other hazard area bylaws are enacted:

* * *

Sec. 2. 24 V.S.A. § 4442(c) is amended to read:

(c) Routine adoption.

(1) A bylaw, amendment, or repeal shall be adopted by a majority of the members of the legislative body at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption.

(2) However, a rural town, by action of the legislative body or by vote of that town at a special or regular meeting duly warned on the issue, may elect to require that a bylaw ~~amendments or repeals~~, amendment, or repeal shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town.

Sec. 3. 24 V.S.A. § 4471(c) is amended to read:

(c) Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the municipal clerk or the administrative officer, if so designated, who shall supply to the appellant within five working days a list of interested persons to the appellant within five working days who have participated in the municipal regulatory proceeding from which the appeal is being taken. Upon receipt of the list of interested persons who have participated in the municipal regulatory proceeding from which the appeal is being taken, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons who participated in the municipal regulatory proceeding are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Sec. 4. 24 V.S.A. § 4465(a) is amended to read:

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the ~~board of adjustment or development review board~~ appropriate municipal panel of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

- **H. 162 Wetlands Banking** - This bill proposes to require the water resources panel to adopt rules for the replacement or mitigation of significant wetlands. The rules shall include wetlands mitigation banking and payment in lieu of mitigation programs.

- **H. 163 Stormwater orphan systems** - This bill proposes to amend the orphan stormwater system pilot program to allow homeowners' associations to apply for grants from the program. In addition, the bill would appropriate \$650,000.00 to the agency of natural resources to continue the orphan stormwater system pilot program.
- **H. 164 Food and Water and Energy Supply Planning** - (introduced last session) This bill proposes to require the secretary of agriculture, food and markets to develop guidelines for use in establishing local and regional food supply plans and to develop a state food supply plan. It proposes to require the director of emergency management to coordinate emergency planning efforts with long-range land use initiatives, including food supply planning efforts, drinking water supply planning efforts, and power planning efforts that would assure distributed renewable power facilities are located so as to provide service for critical local facilities.

It proposes to allow municipalities to establish local food supply districts and to adopt local food supply plans, which may include: completion of an inventory of soils within the municipality; the creation of a program to assure soils are sufficient to feed the local population with locally grown food; and a program of inducements for obtaining landowner commitments to make specified tillable land available for local food production purposes in time of extended shortages of petroleum and other nonrenewable sources of energy. It proposes to establish the powers and duties of local food supply commissions.

The bill proposes to **require regional planning commissions** to develop regional food supply plans and coordinate with others working on food supply planning. It proposes to require regional planning commissions to inventory fire and safety facilities, hospitals, and other critical local facilities, assure establishment of emergency shelters, and work with others to see that these facilities are served by distributed, renewable power facilities. It proposes to **require the regional plans** to facilitate development and implementation of food supply planning and to indicate areas proposed for the siting of facilities to provide locally generated renewable power to critical regional service providers. It proposes, effective July 1, 2009, to **prohibit regional plans from providing for the conversion of primary agricultural soils until the region has adopted a regional food supply plan and has determined that the soils planned for conversion will not be needed for those purposes.**

The bill proposes to require the department of public service, in developing the state electric energy plan, to take into account the siting of distributed power facilities so as to serve critical local facilities and to consult with the regional planning commissions. It proposes to require the department, in developing the state energy plan, to make recommendations for replacement of oil-based fuels

with biofuels produced within the state and recommendations for how the state energy plan may support food supply planning.

- **H. 171 Act 250 Rules amendments** - This bill proposes to amend Act 250 to provide that rule amendments shall apply only to permits that have application dates after the effective date of the rule amendments.

- **H. 173 Wetlands violations – natural vs man-made - land title encumbrance–**
This bill proposes to amend the regulation of wetlands in the state by requiring a permit to conduct activities in naturally occurring wetlands, but allowing activities in manmade wetlands unless otherwise prohibited by rule. The bill would also authorize the water resources panel of the natural resources board to adopt rules regarding both naturally occurring wetlands and manmade wetlands. In addition, the bill would exempt a person that had transferred property on which a wetland is located from liability for a violation of state wetlands law if the violation occurs subsequent to transfer, and notice of transfer had been filed in the land records

Fred S. Dunnington
fdunnington@town.middlebury.vt.us
VPA Legislative Liaison
(802) 388-8106